IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 220 of 2007(A)

PETITIONER:
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1. **THE PRESIDENT, ISSATHUL ISLAM JAMATH (SYED MUHAMMED MULLAKOYA THANGAL, AGED 65 YEARS) REG.NO.33/1958, P.O.KURUVANTHIRUTHI-673 643, KOZHIKODE DISTRICT.**

2. **ISSATHUL ISLAM JAMATH, REG.NO.33/1958, P.O. KURUVANTHIRUTHI-673 643, KOZHIKODE DISTRICT, REPRESENTED BY ITS SECRETARY, C.M. SEETHI, AGED 54 YEARS, MALIYIL HOUSE, P.O. KARUVANTHIRUTHI.**

BY ADV. DR.K.B.MUHAMED KUTTY (SR.)
SMT.RESHMI POULOSE

RESPONDENTS:
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1. **THE SUB INSPECTOR OF POLICE, FAROKE POLICE STATION, FAROKE, KOZHIKODE DISTRICT.**

2. **THE CITY POLICE COMMISSIONER, KOZHIKODE CITY, OFFICE OF CITY POLICE COMMISSIONER, KOZHIKODE.**

3. **C.M. ABOOSUFIYAN, S/O.BEERAN CHALIYAM, P.O.KURUVANTHIRUTHI, RAFOOK AMSOM, NALLOOR DESOM,, KURUVANTHIRUTHI, CALICUT.**

4. **HASHIM, S/O.IMBICHIKOYA TAHNGAL, AGED 40 YEARS, KIZHAKKETHALAKKAL HOUSE P.O.KURUVANTHIRUTHI, FAROK AMSOM, NALLOR DESOM, KURUVANTHIRUTHI, CALICUT.**

BY ADV. SRI.P.VIJAYA BHANU
SMT.K.S.CHANDRIKA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: ORIGINAL CERTIFICATE ISSUED BY THE SENIOR SUPERINTENDENT, THE KERALA WAKF BOARD REGIONAL OFFICE, KOZHIKODE BEARING NO.C2-3747 RA DATED 29.9.2006.

EXT.P2: COPY OF THE DECLARATION OF POSSESSION DATED 18.9.2006 ISSUED BY THE SECOND PETITIONER.

EXT.P3(A): ORIGINAL TAX RECEIPT NO.8930864 DATED 27.3.2006 ISSUED IN FAVOUR OF THE PETITIONERS.

EXT.P3(B): ORIGINAL TAX RECEIPT NO.8930865 DATED 27.3.2006 ISSUED IN FAVOUR OF THE PETITIONERS.

EXT.P3(C): ORIGINAL TAX RECEIPT NO.8930866 DATED 27.3.2006 ISSUED IN FAVOUR OF THE PETITIONERS.

EXT.P3(D): ORIGINAL TAX RECEIPT NO.7538427 DATED 19.9.2006 ISSUED IN FAVOUR OF THE PETITIONERS.

EXT.P3(E): ORIGINAL TAX RECEIPT NO.7585636 DATED 29.9.2006 ISSUED IN FAVOUR OF THE PETITIONERS.

EXT.P3(F): ORIGINAL TAX RECEIPT NO.4046960 DATED 29.9.2006 ISSUED IN FAVOUR OF THE PETITIONERS.

EXT.P3(G): ORIGINAL TAX RECEIPT NO.4046961 DATED 29.9.2006 ISSUED IN FAVOUR OF THE PETITIONERS.

EXT.P3(H): ORIGINAL TAX RECEIPT NO.4046962 DATED 29.9.2006 ISSUED IN FAVOUR OF THE PETITIONERS.

EXT.P4(A): ORIGINAL BUILDING TAX RECEIPTS BEARING NO.49 DATED 30.3.2006 ISSUED BY THE FAROOK GRAMA PANCHAYATH.

EXT.P4(B): ORIGINAL BUILDING TAX RECEIPTS BEARING NO.23 DATED 29.9.2006 ISSUED BY THE FAROOK GRAMA PANCHAYATH.

EXT.P5: ORIGINAL OF OWNERSHIP CERTIFICATE IN RESPECT OF BUILDING NO.3/133 OWNED BY THE PETITIONERS DATED 29.9.2006 ISSUED BY HTE SECRETARY FEROKE GRAMA PANCHAYATH.

EXT.P6(A): COPY OF THE FIR'S REGISTERED BY THE FEROKE POLICE CALICUT IN CRIME NO.237 OF 2006.

EXT.P6(B): COPY OF THE FIR'S REGISTERED BY THE FEROKE POLICE CALICUT IN CRIME NO.239 OF 2006.

EXT.P6(C): COPY OF THE FIR'S REGISTERED BY THE FEROKE POLICE CALICUT IN CRIME NO.236 OF 2006.

EXT.P7(A): COPY OF THE WOUND CERTIFICATE DATED 23.9.2006, ISSUED BY KOYAS HOSPITAL.

EXT.P7(B): COPY OF THE WOUND CERTIFICATE DATED 25.9.2006 ISSUED BY KOYAS HOSPITAL.

EXT.P7(C): COPY OF THE WOUND CERTIFICATE DATED 27.9.2006 ISSUED BY KOYAS HOSPITAL.

EXT.P8: COPY OF THE PETITION SUBMITTED BEFORE THE FIRST RESPONDENT DATED 27.10.2006.

EXT.P9: COPY OF THE PETITION SUBMITTED BEFORE THE FIRST RESPONDENT DATED 11.12.2006.

EXT.P10: COPY OF THE PETITION SUBMITTED BEFORE THE SECOND RESPONDENT DATED 11.12.2006.

/TRUE COPY/

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C).NO.220 OF 2007 (A)

Dated this the 16th day of January, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection. We are not expressing any opinion regarding the merits of the civil disputes between the parties or right of ownership of the Mosque etc. in a petition filed under Article 226 of the Constitution of India. However, police is directed to see that law and order is maintained and lives of the parties are not endangered. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007